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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, SECTOR-17, PANCHKULA-134109

Order

The 30th January, 2026

No. SEC/1ME/2026/160.— Whereas, the writ petition CWP No. 26948 of 2025, titled Deepak Singh v. State of Haryana and others was filed by the petitioner, inter alia, seeking issuance of a writ of Mandamus directing the official respondents to declare Respondent No.7 – Rajender disqualified from holding the office of Municipal Councilor, and Respondent No.8 – Rimpi Kumari disqualified from holding the office of Chairperson, for having incurred disqualification under Section 13-A of the Haryana Municipal Act, 1973 (or other applicable provisions), on the ground of illegal encroachment, and for further directions restraining them from functioning in the said capacities.

2. That the matter came up for hearing before the Hon'ble Punjab and Haryana High Court on 10.09.2025, and the Hon'ble Court after taking note of the submission made by the learned State Counsel, was pleased to dispose of the writ petition by recording that the representation dated 29.08.2024 is required to be considered and decided by the Deputy Commissioner, Mahendergarh at Narnaul, Haryana/ Competent authority, after affording due opportunity of hearing to all concerned parties**.** The operative part of the order dated 10.09.2025 is as under:

> " ***XXX*** ***XXX*** ***XXX***
>
> 4**. Learned State Counsel submits that the aforesaid representation dated 29.08.2024 (Annexure P-10) shall be considered and decided by the Deputy Commissioner, Mahendergarh at Narnaul, Haryana/ Competent authority, after affording due opportunity of hearing to all concerned parties, within a period of two months from today, in accordance with law.**
>
> **5. Keeping in view the aforesaid submission made by learned State counsel, no further orders are required to be passed in the present writ petition and the same is accordingly disposed of.**
>
> **6. All the pending application(s), if any, shall also stand closed."**

3. That, in compliance with the order dated 10.09.2025 passed by the Hon'ble Punjab and Haryana High Court in CWP No. 26948 of 2025 titled Deepak Singh v. State of Haryana & Others, the Deputy Commissioner, Mahendragarh at Narnaul, after affording an opportunity of hearing to the respondents and after examining the representation dated 29.08.2024 (Annexure P-10) and relevant records, forwarded the matter to the State Election

Commission, Haryana, vide Endst. No.2025/LFA/762-63 dated 06.11.2025, for consideration of necessary action regarding disqualification or removal of the respondents under the Haryana Municipal Act, 1973.

4. That, upon receipt of the said letter from Deputy Commissioner Mahendergarh, the matter was taken up by the State Election Commission, Haryana, in exercise of its statutory powers under Section 13-A (2) and Section 13I of the Haryana Municipal Act, 1973, read with Rule 21 (4) of the Haryana Municipal Election Rules, 1978, for consideration of the question of disqualification of the respondents in relation to the allegation of unauthorized occupation of municipal/public land. The Commission afforded an opportunity of hearing to all the concerned parties on 28.01.2026 and also examined the representation dated 29.08.2024, the documents placed on record, the submissions advanced during hearing and the relevant statutory provisions governing disqualification of elected municipal representatives.

5. That, the issue for consideration before the Commission is whether alleged encroachment upon municipal or public land constitutes a ground of disqualification under Section 13-A of the Haryana Municipal Act, 1973. It is pertinent to mention that Section 13-A (1) of the Haryana Municipal Act, 1973 enumerates the grounds on which a person shall be disqualified for being chosen as, and for being President or a member of a municipality. The Section 13A of Municipal Act 1973 is reproduced below:-

"13A. Disqualifications for President and Members.— (1) A person shall be disqualified for being chosen as and for being President or a member of a municipality.

(a) if he is so disqualified by or under any law for the time being in force for the purposes of election to the Legislature of the State of Haryana: Provided that no person shall be disqualified on the ground that he is less than twenty- five years of age if he had attained the age of twenty one years;

(b) if he is so disqualified by or under any law made by the Legislature of the State of Haryana ;

(c) Omitted.

(d) if he is convicted or has been convicted of an offence punishable under section 29, 30 and 31 of the Haryana Municipal Corporation Act, 1994 (16 of 1994), the Prevention of Corruption Act, 1988 (49 of 1988) or the Prevention of Terrorism Act, 2002 (15 of 2002)[;or]

(e) if he has been convicted or charges have been framed against him by a court in a criminal case for an offence, punishable with imprisonment for not less than ten years; or

(f) if he fails to pay an arrear of any kind due to him to any Primary Agriculture Cooperative Society, District Central Co-operative Bank and District Primary Co-operative Agriculture Rural Development Bank; or

(g) if he fails to pay arrears of electricity bills; or

(h) if he has not passed matriculation examination or its equivalent examination from any recognized institution/board:

Provided that in case of a woman candidate or a candidate belonging to Scheduled Caste, the minimum qualification shall be middle pass

Provided further that in case of a woman candidate belonging to Scheduled Caste, the minimum qualification for members excluding the President shall be 5th pass; or

(i) if he fails to submit a self declaration to the effect that he has a functional toilet at his place of residence;

(j) if he makes expenditure beyond the prescribed limit on his election or fails to submit his election expenditure statement.

(2) If any question arises as to whether "President or" a member of a municipality has become subject to any of the disqualifications mentioned in sub-section (1), the question shall be referred for the decision of such authority and in such manner as may be prescribed by rules.

(3) If any person furnishes a false caste certificate at the time of filing nomination, he shall be disqualified for a period of six years from contesting the election to the municipality".

6. That, upon perusal of the Haryana Municipal Act, 1973, and specifically Section 13-A(1) thereof, which provides for disqualification of a person for being chosen as, and for being, President or a member of a municipality, the Commission notes that the grounds of disqualification are exhaustively enumerated therein. The said provision does not include unauthorised occupation or encroachment upon municipal or public land, as alleged in the present case by the complainant, as a ground of disqualification. Disqualification being a statutory consequence, can be attracted only on the grounds expressly provided under the Act.

At the outset, it is further noted that Sh. Rajender Singh, Member, Municipal Committee, Kanina, expired on 05.12.2025 during the pendency of the present proceedings undertaken in compliance with the order dated 10.09.2025 passed by the Hon'ble Punjab and Haryana High Court. Since proceedings relating to disqualification under Section 13-A of the Haryana Municipal Act, 1973 are personal in nature, no determination can survive against a deceased person. Accordingly, the complaint, insofar as it relates to Sh. Rajender Singh becomes infructuous.

7. Further, on consideration of the material placed on record, no case for disqualification of Smt. Rimpi Kumari, President, Municipal Committee, Kanina, under Section 13-A of the Haryana Municipal Act, 1973, is made out as discussed in the proceeding para. This order shall not however preclude the competent authority or the State Government from taking action, if so warranted, under any other provision of the Act or under any other law for the time being in force, strictly in accordance with law.

The matter is disposed of accordingly.

Panchkula:
The 30th January, 2026.

DEVINDER SINGH KALYAN,
State Election Commissioner, Haryana.

12383—C.S.—H.G.P., Pkl.